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4   UNITED STATES DISTRICT COURT

5   NORTHERN DISTRICT OF CALIFORNIA

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7   IN RE: FACEBOOK, INC. CONSUMER   MDL No. 2843
       PRIVACY USER PROFILE LITIGATION   Case No. 18-md-02843-VC (JSC)
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                                              ORDER RE: FACEBOOK'S
9   **EMERGENCY MOTION TO SEAL**

10   Re: Dkt. No. 530

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13   The Court has reviewed Facebook's emergency motion to seal and Plaintiffs' response to

14   the same. (Dkt. Nos. 530, 531.) The Court has locked the at-issue docket entry (Dkt. No. 526) so

15   it is not publicly accessible. Upon review of the parties' filings, the Court is not satisfied that the

16   parties have adequately met and conferred regarding Facebook's confidentiality designation for

17   the at-issue document. While Plaintiffs dispute that the document is confidential given its public

18   availability, the Protective Order in this action sets forth a procedure by which parties can

19   challenge confidentiality designations. (Dkt. No. 122, Sec. 6.) A party cannot simply circumvent

20   that procedure by using a version of a document that was publicly available if the same document

21   was produced with the confidential designation in this action. Likewise, if a party disputes

22   whether a document produced with a confidential designation falls within the scope of the

23   Protective Order, the party cannot unilaterally decide that it does not fit within the scope without

24   meeting and conferring regarding the same.

25   Accordingly, the parties are ordered to meet and confer via video regarding the parties'

26   dispute over the confidentiality of this document. The parties shall advise the Court as to the

27   status of their meet and confer efforts in the next status update due October 29, 2020 and the Court

28   will discuss the matter at the October 30, 2020 status conference if necessary. The docket entry

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1   will remain locked in the interim.

2   **IT IS SO ORDERED.**

3   Dated: October 7, 2020

JACQUELINE SCOTT CORLEY
United States Magistrate Judge

United States District Court
Northern District of California